THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5847 of 2007

23.3.2007

Between:

Dr.G.Ranadheer Reddy, S/o.Late G.Narasimha Reddy
And others

… Petitioners

AND

The Principal Secretary to the Government of Andhra Pradesh,
Revenue (UC-II) Department, Secretariat, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5847 of 2007

ORDER:

The petitioners assail the orders of the Government of Andhra Pradesh in G.O.Ms.No.956, dated 21.7.2006, whereunder the Government in exercise of the powers under Section 23 of the Urban Land (Ceiling and Regulation) Act, 1976 (the Act, for brevity) allotted excess vacant land admeasuring 32,234.44 Sq.mts in survey Nos.6, 7 and 24 of Izzatnagar and Khanamet villages of Serilingampally Mandal in Ranga Reddy District to Hyderabad Urban Development Authority (HUDA), the third respondent herein, for disposing of the same by conducting public auction.

The brief fact of the matter is as follows. Gangula Peda Sathaiah, S/o.Somaiah and Gangula Maisaiah, S/o.Durgaiah were pattadars of land in survey Nos.24 and 56 of Khanamet village besides of other lands in Izzatnagar village of Serilingampally Mandal in Ranga Reddy District. They had equal shares in the property. Maisaiah filed declaration under Section 6(1) of the Act before the second respondent, who by proceedings dated 22.4.1993 held that by reason of Section 2(o) of the Act, the land in possession does not attract prohibition of the Act. Sathaiah and Maisaiah sold the entire extent of land to Rajendra Prasad Agarwal, Praveen Kumar Agarwal and Smt.Pramila Devi Agarwal under separate sale deeds dated 23.6.1995. They in turn sold the land in survey No.24 to the petitioners under registered sale deed dated 12.10.1995. They got the lands mutated in their names and are allegedly in possession of the land. The petitioners allege that the second respondent reopened the matter and passed orders under Section 8(3) read with Section 9 of the Act declaring respondents 4 to 7 (wife and sons of Maisaiah) as surplus

vacant landholder to an extent of 32,234.44 Sq.mts comprised in survey Nos.6 to 9 of Izzatnagar village and survey Nos.24 and 56 of Khanamet village. The land was taken over possession by the Government. Later the Government issued the impugned order allotting the land to HUDA for disposing of the same by conducting public auction. In the meanwhile the petitioners statedly filed appeal under Section 33 of the Act before the Chief Commissioner of Land Administration (CCLA), Andhra Pradesh, Hyderabad, being Appeal No.Hyd/33/2007, which is pending.

Learned Counsel for the petitioners submits that the orders passed by the second respondent after reopening the matter without notice to the petitioner is illegal and arbitrary. He would urge that when Maisaiah filed declaration, the second respondent issued proceedings in April 1993 observing that the Act has no application to agricultural land and, therefore, it was improper for the second respondent to reopen the matter thirty years after the declaration was filed. Secondly he submits that the land is allotted to HUDA for conducting public auction, which is totally against the object of the Act. Lastly he would urge that by reason of the order dated 31.10.1988 whether or not the proceedings are issued the land held by Maisaiah is exempted from the provisions of the Act as it is situated in the peripheral area.

The petitioners allegedly purchased the land in survey Nos.24. As seen from the proceedings dated 22.4.1993 issued by the second respondent total extent of land in survey No.24 is Acs.0.20 gts whereas the major chunk of land is comprised in survey Nos.6 to 9. Be that as it is when the second respondent reopened the matter on the ground that the agricultural land was divided into house sites and that the same were sold the third parties and, therefore, the same cannot be treated as agricultural land. The entire extent of land was therefore treated as excess vacant land and a draft statement was issued on 26.5.2006. After receiving the draft statement, respondents 4 to 7 addressed a letter to the second respondent stating that they have no objection for the proposed final orders under Section 8(4) of the Act. Accordingly on 31.5.2006 final orders were passed even in respect of land in survey No.24 (Acs.0.20 gts). As seen from the final statement, the total extent of land in survey No.24 is 1,011.71 Sq.mts. The petitioners now placed before this Court the sale deeds under which they purchased the property. Therefore, it is not clear as to what is the extent of the land they purchased from the vendors, who in turn have purchased from Maisaiah. As per Section 5(2) of the Act any transfer of excess vacant land shall be deemed to be null and void. The submission that the land stood exempted as per G.O.Ms. No.733

is devoid of merit. No material is placed before this Court as to whether Khanamet and Izzatnagar villages fall in the core area of Hyderabad Urban Agglomeration or its peripheral area. As found by the second respondent the land ceased to be agricultural land as it was divided into house sites. It is brought to the notice of this Court by the learned Assistant Government Pleader that the Government issued orders in G.O.Ms.No.166, Revenue (UC.I) Department, dated 03.3.2001 directing all the District Collectors and Special Officers of Urban Land Ceiling in five agglomerations including Hyderabad to handover all excess vacant land in all the urban agglomerations to duly constituted urban authorities under A.P. Urban Areas (Development) Act, 1975, so as to enable them to dispose of the land by public auction and remit the sale proceeds to the State exchequer. The said G.O. was upheld by this Court in **Motumarri Poornachandra Rao v Vice Chairman, VGT UDA**[1]. The same is certainly subserves public interest and there cannot be better method of disposing of public property than by conducting public auction.

For the above reasons, the writ petition is devoid of any merit and is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

March 23, 2007.
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[1] W.P.Nos.14838 of 2001 and batch, dated 22.7.2003